

EC

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

United States of America)

v.)

Da Shawn Lee Martin) Case No. 2:23-mj-78

1961 Woodcrest Road)

Columbus, Ohio 43232)

DOB: 6/10/1993)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 12/10/2022 in the county of Franklin in the
Southern District of Ohio, the defendant(s) violated:

*Code Section**Offense Description*

18 U.S. C. §922(g)(1) and 924(a)(8)

Felon in Possession of a Firearm

18 U.S. C. §922(g)(9) and 924(a)(8)

Possession of a Firearm by Prohibited Person with Prior Domestic Violence Conviction

This criminal complaint is based on these facts:

See attached affidavit incorporated herein by reference

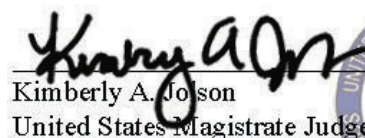
☒ Continued on the attached sheet.

Complainant's signature

TFO Samuel Chappel, ATF

Printed name and title

Sworn to before me and signed in my presence.

Date: February 6, 2023City and state: Columbus, Ohio


 Kimberly A. Tolson
 United States Magistrate Judge


PROBABLE CAUSE AFFIDAVIT
Da Shawn Lee MARTIN

I, Samuel Chappell, being duly sworn, depose and state that:

1. I have been an Officer with the Columbus Division of Police (CPD) since 2007. I have been assigned to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) as a Task Force Officer (TFO) since 2017. As a result of my training and experience, I am familiar with state and federal laws pertaining to firearms and narcotics violations, among other offenses, including 18 U.S.C. § 922.
2. This affidavit is being submitted in support of an application for a criminal complaint against Da Shawn Lee MARTIN (hereinafter referred to as MARTIN), for knowing he had been previously convicted of a crime punishable by imprisonment for a term exceeding one year, when he knowingly possessed a firearm in and affecting interstate and foreign commerce, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(8).
3. This affidavit is also being submitted in support of an application for a criminal complaint against MARTIN for, knowing he had been previously convicted of a misdemeanor crime of domestic violence, when he knowingly possessed a firearm in and affecting interstate and foreign commerce, in violation of 18 U.S.C. §§ 922(g)(9) and 924(a)(8).
4. The statements contained within this affidavit come from the affiant's own personal involvement with the investigation, as well as information provided by other law enforcement officers and reports in conjunction with my own training and experience and background as a TFO. Since this affidavit is being submitted for the limited purpose of securing a criminal complaint and arrest warrant, I have not included each and every fact known to me concerning this investigation. I have not omitted any facts that would negate probable cause. I have set forth only the facts that I believe are necessary to establish probable cause that MARTIN committed violations of 18 U.S.C. § 922(g)(1), 922(g)(9) and 924(a)(8).
5. Your affiant learned that on or about December 10, 2022, Columbus Division of Police (CPD) officers were dispatched to the address of 1961 Woodcrest Road, in Columbus Ohio on a report of a person with a gun. The caller stated that an individual, now known as MARTIN, was threatening to shoot him/her with a rifle. The caller also indicated that MARTIN was in a vehicle in the driveway at the Woodcrest Road location.
6. Once on scene, officers observed a vehicle parked in the driveway at the Woodcrest location and noted MARTIN sitting inside that vehicle. At the time officers approached the vehicle, a firearm was observed sitting on MARTIN's lap. Officers removed MARTIN from the vehicle and detained him on scene. Officers then recovered a Angstadt Arms AA-0940, 9mm AR pistol, bearing serial #AA0900549 from the front seat of the vehicle.
7. During the course of the investigation, law enforcement learned that there was a Post-Conviction No Contact order in place against MARTIN that had been issued in Franklin County, Ohio Municipal Court under case number Case 2020-CRB-007640. That specific order, issued May 18, 2021, by Judge Russo and expiring May 18, 2023, expressly prohibited MARTIN from owning, possession, or using firearms, including ammunition and the firearm itself. Upon learning of this No Contact Order on scene, law enforcement placed MARTIN under arrest.


PROBABLE CAUSE AFFIDAVIT
Da Shawn Lee MARTIN

8. While on scene, MARTIN was advised of his *Miranda* rights and waived those rights. In summary, MARTIN stated that he knew about the No Contact Order, that he had been served, and that he knew he was not supposed to possess a firearm.
9. Your Affiant confirmed via ATF resources that the aforementioned firearm possessed by MARTIN on or about December 10, 2022, was not manufactured in the State of Ohio and therefore had previously traveled in interstate commerce to reach the State of Ohio.
10. Your affiant further learned that MARTIN was prohibited from possessing a firearm based upon having been previously convicted of the following crimes punishable by a term of imprisonment exceeding one year: (1) Franklin County, Ohio, Court of Common Pleas Case Number 12CR268 for Burglary, a felony in the fourth degree. MARTIN was sentenced on November 7, 2012, to two years of Community Control for this case; and (2) Franklin County, Ohio, Court of Common Pleas Case Number 21CR1543 for Improperly Handling a Firearm in a Motor Vehicle, a felony in the fourth degree. MARTIN was sentenced on May 27, 2021, to two years of Community Control for this case. Court documents associated with both cases reveal that MARTIN knew that the offenses for which he was convicted were both punishable by a term of imprisonment exceeding one-year.
11. Your affiant further learned that MARTIN was prohibited from possessing a firearm based upon having been previously convicted of Franklin County, Ohio Municipal Court Case Number 2020CRB007640 for Domestic Violence, a misdemeanor in the first degree.
12. Based on the above information, your affiant believes probable cause exists that De Shawn Lee SMITH, knowing he had been previously convicted of a crime punishable by imprisonment for a term exceeding one year, and knowing he had been previously convicted of a misdemeanor crime of domestic violence, knowingly possessed a firearm in and affecting interstate and foreign commerce, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(8) and 18 U.S.C. §§ 922(g)(9) and 924(a)(8).



Samuel Chappell
Task Force Officer
Bureau of Alcohol, Tobacco, Firearms and Explosives

Sworn and subscribed to before me this 6th day of February, 2023.


Kimberly A. Jolson
United States Magistrate Judge



PROBABLE CAUSE AFFIDAVIT

Da Shawn Lee MARTIN

U.S. District Court for the Southern District of Ohio